

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 34905

217332

VILLAGE OF CROTON-ON-HUDSON, NEW YORK

v.

BUFFALO SOUTHERN RAILROAD, INC.; GREENTREE REALTY, LLC; RS
ACQUISITION CO., LLC; and NORTHEAST INTERCHANGE RAILWAY, LLC

REPLY OF THE VILLAGE OF CROTON-ON-HUDSON IN OPPOSITION TO
PETITION OF RS ACQUISITION CO., LLC AND NORTHEAST INTERCHANGE
RAILWAY, LLC TO HOLD PROCEEDINGS IN ABEYANCE AND
TO MOTION FOR PROTECTIVE CONDITIONS CONCERNING DISCOVERY

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Dated: August 21, 2006

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The Village of Croton-on-Hudson (the "Village") responds in opposition to the Petition of RS Acquisition Co., LLC ("RSA") and Northeast Interchange Railway, LLC ("NIR") to Hold Proceedings in Abeyance and Motion for Protective Conditions Concerning Discovery (the "Petition"), filed by RSA and NIR on August 14, 2006. The Village previously responded on August 4, 2006 to a similar petition filed by defendant Buffalo Southern Railroad, Inc. ("BSOR"). For the reasons stated in the Village's August 4, 2006 Reply, which are incorporated herein, the Village respectfully submits that this Formal Complaint proceeding, including discovery served by the Village on RSA and NIR, should proceed. That discovery, like the discovery served on BSOR, could lead to the discovery of admissible evidence relevant to the question of the legality of BSOR's operation.

The Village respectfully requests the Board to deny the Petition in all respects.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this Reply of the Village of Croton-On-Hudson in Opposition to Petition of RS Acquisition Co., LLC and Northeast Interchange Railway, LLC to Hold Proceedings in Abeyance and to Motion for Protective Conditions Concerning Discovery was served via electronic mail and first-class mail on August 21 2006, to the following parties:

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